

REMARKS

By this amendment, claims 1-4, and 7 are pending, in which claims 5 and 6 are canceled without prejudice or disclaimer, claim 1 is currently amended, and claim 7 is newly presented. No new matter is introduced.

The Office Action mailed June 28, 2007 rejected claims 1 and 5 under 35 U.S.C. § 102 (b) as anticipated by *Yoshizawa et al.* (US 5,862,461), claim 2 as obvious under 35 U.S.C. § 103 based on *Yoshizawa et al.* (US 5,862,461) in view of *Loehner et al.* (US 5,347,239), claim 3 as obvious under 35 U.S.C. § 103 based on *Yoshizawa et al.* (US 5,862,461) in view of *Gattaz*. (US 3,369,096), claim 4 as obvious under 35 U.S.C. § 103 based on *Yoshizawa et al.* (US 5,862,461) in view of *Tomita et al.* (US 6,339,353), and claim 6 as being indefinite under 35 U.S.C. § 112, second paragraph.

I. REJECTION OF CLAIM 6 UNDER 35 U.S.C. § 112

Although claim 6 is canceled, Applicants nevertheless contend that the claim language is not indefinite.

The Examiner contends that it is not clear what Applicants are claiming because the claim states that the switchgear causes the mechanical changeover switch to disconnect the electronic attenuator from the output and the mechanical changeover switch connects the electronic attenuator to the signal source at the input end.

Applicants do not understand the Examiner's confusion. Reference to page 6, lines 11-19, of the specification, and the associated drawing, shows that, in the overload condition, wherein a predetermined permitted level is exceeded at the output, the circuit is broken by connecting the attenuator 5 to position II of the output switch 4 (disconnecting the attenuator from the output) and connecting the attenuator 5 to the signal source 1 by placing the input

switch 3 in position I (disconnecting the signal source). This is what the drawing depicts. This is what the specification describes.

II. REJECTION OF CLAIMS 1 AND 5 UNDER 35 U.S.C. § 102 (b)

Claim 1 has been amended to include the features of claim 5 (now canceled). Claim 1, as now amended, recites “a switchgear for the mechanical changeover switches coupled to the output-power setting mechanism of the signal source wherein, above a predetermined output power, the mechanical changeover switches are configured in a first switch position whereby a direct bypass line is connected between the signal source and output, and below the predetermined output power, the mechanical changeover switches are configured in a second switch position whereby the electronic attenuator is connected between the signal source and output.”

The Examiner contends that such a switchgear is taught by *Yoshizawa et al.* as element 76 in Figure 7, but Applicants respectfully contend that the Examiner’s reasoning is flawed. First, there is no indication in *Yoshizawa et al.* that switches 72 and 73 are even mechanical switches. Most likely, they are electronic switches because they are within an electronic gain varying circuit 71 and controlled by an electronic signal line control circuit 76. Since switches 72 and 73 of *Yoshizawa et al.* are not mechanical switches (the Examiner, at best, merely speculates that these are mechanical switches because there is no disclosure in *Yoshizawa et al.* that these are mechanical switches, and, for this reason alone, the rejection based on anticipation must fall), there is no need for a “switchgear for the mechanical changeover switches,” as claimed. Therefore, signal line control circuit 76 of *Yoshizawa et al.* is not, and cannot be, a “switchgear,” as claimed.

Moreover, amended claim 1 recites that the “switchgear” (which *Yoshizawa et al.* does not disclose) be “coupled to the output-power setting mechanism of the signal source.” Signal line control circuit 76 of *Yoshizawa et al.* is not coupled to any such “output-power setting mechanism of the signal source.” While the signal line control circuit 76 of *Yoshizawa et al.* does appear to read the signal level of RF signal S3, and S3 is derived from a source signal, RF signal S3 is **not** an “output-power setting mechanism.”

Accordingly, *Yoshizawa et al.* does not anticipate claim 1, as amended, and the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 102 (b).

III. REJECTIONS BASED ON 35 U.S.C. § 103

Since *Yoshizawa et al.* does not anticipate claim 1, for the reasons above, and the references to *Loehner et al.*, *Gattaz*, and *Tomita et al.* do not provide for the deficiencies of *Yoshizawa et al.*, claims 2-4 are not obvious, within the meaning of 35 U.S.C. § 103.

Accordingly, the Examiner is also respectfully requested to withdraw the rejection of claims 2-4 under 35 U.S.C. § 103.

IV. NEW CLAIM 7

Claim 7 is newly presented and includes a combination of the elements of previously presented claim 1 and claim 6 (now canceled). Since the Examiner presented no prior art rejection of claim 6, this new claim, including the limitations of claim 6, is allowable.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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